



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

April 27, 1973

The Honorable H. J. "Doc" Blanchard
Chairman, Senate Legislative
Property Tax Committee
State Capitol Building
Austin, Texas 78711

Letter Advisory No. 22

Re: Dual Employment

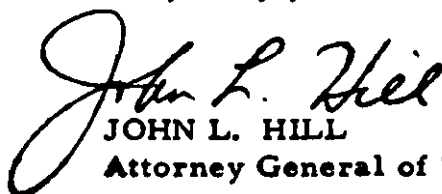
Dear Senator Blanchard:

You have submitted to us the question of whether a person employed as a professor at a State university may also be employed as a consultant to a special legislative committee. Section 40 of Article 16 of the Constitution prohibits any person from holding more than one office of emolument. It is our opinion that a consultant to a committee does not hold a civil office of emolument. The essential factor distinguishing an employment from an office is the exercise of some of the sovereign powers of the government. An employee exercises none. An office holder exercises some to a greater or lesser degree, depending upon the office. Aldine Independent School District v. Standley, 280 S. W. 2d 578 (Tex. 1955).

We here express no opinion as to whether a State university professor occupies an office of emolument. The university professor as a member of the executive department does not as a consultant to a legislative property tax committee "exercise any power properly attached to" the legislative department, nor is he of the Legislature, and, therefore, there is no violation of the separation of powers required by Article 2, §1 of the Constitution of Texas.

We see no incompatibility between the two positions and it is our opinion that the professor may be paid for service as a consultant to the Legislative Property Tax Committee.

Very truly yours,


JOHN L. HILL
Attorney General of Texas

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APPROVED:



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